

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-4 and 6-10 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Applicant thanks the Examiner for withdrawing the previous claim rejections based on Peeters (U.S. Patent no. 6,947,372), Anne et al. (U.S. Patent Application Publication No. 2003/0081741, hereafter "Anne") and Veres et al. (U.S. Patent No. 4,654,783). Claims 1, 2, and 6-10 are now rejected under 35 U.S.C. § 103(a) as being unpatentable over Peeters in view of Anne, newly cited Bhat et al. (U.S. Patent No. 5,355,365, hereafter "Bhat") and Veres. Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Peeters in view of Anne, Bhat, and Veres and further in view of previous cited Spruyt et al. (U.S. Patent No. 6,088,386, hereafter "Spruyt"). Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully traverses the prior art rejections.

Independent claim 1 recites in part:

a digital phase locked loop filter, wherein said integrated modem circuit exchanges signals with the second modem circuit at a speed of 1 Mb/s or more, and wherein said processor-system comprises filter software for embodying said digital phase locked loop filter, and said hardware comprises at least one module which compensates for sample processing,

wherein said processor-system performs an initialization step for initiating software to be run via said processor-system and/or a reading step for reading a software part at an address in a memory, and/or a first detection step for detecting a first instruction, and/or a second detection step for detecting a second instruction, and/or a third detection step for detecting an execution, and/or an execution step for performing at least one execution.

The Examiner acknowledges that Peeters does not teach or suggest “wherein said processor-system performs an initialization step for initiating software to be run via said processor-system; as recited in independent claim 1 and analogously recited in independent claims 8-10. The Examiner thus relies on Anne and Bhat to cure this deficiency. Applicant respectfully disagrees with the Examiner’s position.

Anne generally relates to a networking modem which is capable of full duplex communication and adapted for use as a component of a computer system. The modem comprises a digital signal processor capable of implementing a plurality of digital modulation and demodulation techniques, and which implements a digital phase locked loop to synchronize local demodulation timing to an incoming carrier signal (see the Abstract).

The Examiner cites paragraph [0036] of Anne as allegedly teaching the feature “wherein said processor-system performs an initialization step for initiating software to be run via said processor-system” as recited in the claims. However, this cited portion of Anne discusses the initialization of a computer and not a modem, as required by the claims. Anne teaches that BIOS instructions enable the computer to load the operating system software into main memory during system initialization, or boot sequence. Accordingly, Anne does not teach or suggest this element of the claims.

The Examiner also asserts that Bhat teaches the feature “wherein said processor-system performs an initialization step for initiating software to be run via said processor-system”, and cites column 4, lines 6-11 of Bhat in support of this assertion. Again Applicant respectfully disagrees with the Examiner’s position.

Bhat generally relates to a method for providing a shared modem resource to computers connected through a local area network and to off-network computers. An intelligent LAN

modem node combines the attributes of LAN node, an intelligent operating personal computer and one or more modems constructed in a dedicated fashion. The LAN node operates as a standalone node on a LAN to allow the shared resources of modem communication for the other computers on the network and off-network computers without tying up any of the computers on the network for modem communications (the Abstract).

Applicant respectfully submits that there is no teaching or suggestion in Bhat that “said processor-system performs an initialization step for initiating software to be run via said processor-system”, as recited in the claims. Column 4, lines 6-11 of Bhat teaches that the LAN modem node 100 includes software which enables the computer 30 to communicate over the LAN to LA modem 100 to initiate, maintain and terminate asynchronous communications over public telephone lines. Accordingly, Bhat teaches that the software allows the computer to initiate communications over the telephone lines. Nowhere does Bhat teach or suggest that the processor system of a modem performs an initialization step for initializing software to be run via the processor system of the modem, as required by the claims.

Accordingly, Applicant respectfully submits that independent claim 1 and analogous independent claims 8-10 should be allowable because the cited references do not teach or suggest all of the features of the claims. Claims 2-4, 6, and 7 should also be allowable at least by virtue of their dependency on independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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